

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL JONES,

Defendant.

2:15-CR-174-KJD-BNW

2:18-CR-023-KJD-BNW

Amended Preliminary Order of Forfeiture

This Court finds that defendant Michael Jones pled guilty to the following:

As to the Superseding Indictment in *United States of America v. Michael Jones et al*, Case No.: 2:15-CR-174-KJD-BNW (*Jones*), Counts 1-11 of an 11-Count Superseding Indictment charging him in Count 1 with conspiracy to commit mail fraud and wire fraud in violation of 18 U.S.C. §§ 1341, 1343, and 1349 and in Counts 2-11 with wire fraud in violation of 18 U.S.C. § 1343. Superseding Indictment, ECF No. 38; Change of Plea, ECF No. 206; Plea Agreement, ECF No. 213; and

As to the Criminal Information in *United States of America v. Michael Jones*, Case No.: 2:18-CR-023-KJD-BNW (Criminal Information related to *United States of America v. Charlene Scott*, Case No. 2:15-CR-193-KJD-PAL) (*Scott*), Count 1 of a 1-Count Criminal Information charging him with conspiracy to commit mail fraud and wire fraud in violation of 18 U.S.C. §§ 1341, 1343, and 1349. Criminal Information, ECF No. 8; Change of Plea, ECF No. 14; Plea Agreement, ECF No. 21.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegations of the Superseding Criminal Indictment (*Jones*) and the Criminal Information (*Scott*) and the offenses to which Michael Jones pled guilty.

1 The following property and money judgment are (1) any property, real or personal,
 2 which constitutes or is derived from proceeds traceable to violations of 18 U.S.C. §§ 1341
 3 and 1343, specified unlawful activities as defined in 18 U.S.C. §§ 1956(c)(7)(A) and
 4 1961(1)(B), or 18 U.S.C. § 1349, conspiracy to commit such offenses and (2) any real or
 5 personal property constituting, derived from, or traceable to the gross proceeds obtained
 6 directly or indirectly as a result of violations of 18 U.S.C. §§ 1341 and 1343, or of 18 U.S.C.
 7 § 1349, conspiracy to commit such offenses, and are subject to forfeiture pursuant to 18
 8 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(8)(B), and 21 U.S.C. §
 9 853(p):

10 The property listed in the Superseding Indictment (*Jones*), namely:

- 11 1. \$50,018.53; and
- 12 2. \$8,252.04

13 (all of which constitutes property)

14 and an in personam criminal forfeiture money judgment of \$4,423,122.35, divided
 15 among the consolidated indictment and information as follows:

16 1. \$3,574,992.35 in *Jones*, not to be held jointly and severally liable with
 17 any codefendants, with the total amount collected in that matter not to exceed
 18 \$3,574,992.35, and that the property will be applied toward the payment of the money
 19 judgment and

20 2. \$848,130 in *Scott*, not to be held jointly and severally liable with any
 21 codefendants, with the total amount collected in that matter not to exceed \$7,934,095.32.

22 This Court finds that on the government's motion, the Court may at any time enter
 23 an order of forfeiture or amend an existing order of forfeiture to include subsequently
 24 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
 25 32.2(b)(2)(C).

26 The in personam criminal forfeiture money judgment complies with *Honeycutt v.*
 27 *United States*, 137 S. Ct. 1626 (2017).

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1 This Court finds the United States of America is now entitled to, and should, reduce
2 the aforementioned property to the possession of the United States of America.

3 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
4 DECREED that the United States of America should seize the aforementioned property.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United
6 States of America recover from Michael Jones an in personam criminal forfeiture money
7 judgment of \$4,423,122.35.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
9 rights, ownership rights, and all rights, titles, and interests of Michael Jones in the
10 aforementioned property are forfeited and are vested in the United States of America and
11 shall be safely held by the United States of America until further order of the Court.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
13 of America shall publish for at least thirty (30) consecutive days on the official internet
14 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
15 describe the forfeited property, state the time under the applicable statute when a petition
16 contesting the forfeiture must be filed, and state the name and contact information for the
17 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
18 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
19 the government may instead serve every person reasonably identified as a potential claimant
20 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
21 Rule G(4)(a)(i)(A).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
23 or entity who claims an interest in the aforementioned property must file a petition for a
24 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
25 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C §
26 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
27 right, title, or interest in the forfeited property and any additional facts supporting the
28 petitioner's petition and the relief sought.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
2 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
3 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
4 not sent, no later than sixty (60) days after the first day of the publication on the official
5 internet government forfeiture site, www.forfeiture.gov.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
7 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
8 Attorney's Office at the following address at the time of filing:

9 Daniel D. Hollingsworth
10 Assistant United States Attorney
James A. Blum
11 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
12 Las Vegas, Nevada 89101.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
14 described herein need not be published in the event a Declaration of Forfeiture is issued by
15 the appropriate agency following publication of notice of seizure and intent to
16 administratively forfeit the above-described property.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
18 copies of this Order to all counsel of record and three certified copies to the United States
19 Attorney's Office, Attention Asset Forfeiture Unit.

20 DATED February 23, 2021.

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KENT J. DAWSON
24 UNITED STATES DISTRICT JUDGE
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